

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: April 2, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 1851 (Mr. Ben Nelson of Nebraska).

**Proponent name,<sup>3</sup> location:** Syngenta Crop Protection, Inc., Omaha, NE.

**Other bills on product (111<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of temporary duty reduction through December 31, 2011.<sup>4</sup>

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

Benzeneacetic acid, (E)-2-[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]- $\alpha$ -(methoxymethylene)-, methyl ester (Azoxystrobin) (CAS No. 131860-33-8) (provided for in subheading 2933.59.15).

**Check one:**     ☐ Same as that in bill as introduced.  
                     ☒ Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and source(s) of imports:**

The subject product is a synthetic organic fungicide that has a chemical structure based on naturally occurring fungicides called strobilurins. The product is imported from the United Kingdom.

<sup>1</sup> Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tariff\\_affairs/congress\\_reports/](http://www.usitc.gov/tariff_affairs/congress_reports/).

<sup>3</sup> The sponsor/proponent did not identify any additional beneficiaries of this bill.

<sup>4</sup> HTS heading 9902.02.06 expired on December 31, 2009.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2933.59.15:**

	2010	2011	2012	2013	2014
<del>Col. 1-General rate of duty</del>	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$48,152,104	\$48,208,160	\$48,208,160	\$48,208,160	\$48,208,160
Customs revenue loss <sup>b c</sup>	\$481,521	\$482,082	\$482,082	\$482,082	\$482,082

a/ Dutiable import estimates were provided by industry sources.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

c/ The estimated customs revenue loss is based on a temporary reduction of the general rate of duty from 6.5 percent ad valorem to 5.5 percent ad valorem, a reduction of 1.0 percentage point.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Syngenta Crop Protection, Inc. (Proponent) Angus Kelly, Fax: 336-632-6084 <a href="mailto:angus.kelly@syngenta.com">angus.kelly@syngenta.com</a>	11/20/2009	No	No	No
Arkema Inc. (Atofina) Brian Sowa, (Stra. Mark. Inno. 202-467-5459) <a href="mailto:Brian@strategicmi.com">Brian@strategicmi.com</a>	11/20/2009	No	No	No
BASF Corporation Greg Thies, 202-299-7240 <a href="mailto:gregory.theis@basf.com">gregory.theis@basf.com</a>	11/20/2009	No	No	No
Bayer CropScience, LLP Jean Reimers, 202-756-3779 <a href="mailto:jean.reimers@bayercropscience.com">jean.reimers@bayercropscience.com</a>	11/20/2009	No	No	No
Chemtura Corporation Matt Mattingley, 703-670-5725 <a href="mailto:matt@mattingleygroup.com">matt@mattingleygroup.com</a>	11/20/2009	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	11/20/2009	No	No	No
Dow AgroSciences Max Turnipseed, 225-338-0310 <a href="mailto:mctint@att.net">mctint@att.net</a> Lisa Schroeter, 202-429-3407 <a href="mailto:lmschroeter@dow.com">lmschroeter@dow.com</a>	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
DuPont Elaine Olsen, 302-992-2263 <a href="mailto:elaine.m.olsen@usa.dupont.com">elaine.m.olsen@usa.dupont.com</a>	11/20/2009	No	No	No
FMC Corp. Jerry Prout, 202-956-5209 <a href="mailto:jerry.prout@fmc.com">jerry.prout@fmc.com</a> Steve Ziehm, 202-872-8181 <a href="mailto:sziehm@igc.com">sziehm@igc.com</a>	11/20/2009	No	No	No
Gowan Company Cindy Baker, 928-819-1554 <a href="mailto:cbaker@gowanco.com">cbaker@gowanco.com</a> George Rolofson, 336-580-1116 <a href="mailto:grolofson@triad.rr.com">grolofson@triad.rr.com</a>	11/20/2009	No	No	No
Monsanto Corp. Michael Parrish, 202-383-2859 <a href="mailto:michael.parrish@monsanto.com">michael.parrish@monsanto.com</a>	11/20/2009	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220 <a href="mailto:joel@jrjtradelaw.com">joel@jrjtradelaw.com</a> <a href="mailto:emily@jrjtradelaw.com">emily@jrjtradelaw.com</a>	11/20/2009	No	No	No
Solutia Inc. Kassie Wooton, 314-674-3297 <a href="mailto:kdwoot@solutia.com">kdwoot@solutia.com</a> Robert Hurley The Accord Group, 202-289-9800 <a href="mailto:rhurley@theaccordgroup.com">rhurley@theaccordgroup.com</a>	11/20/2009	No	No	No
United Phosphorous Inc. Karen Davis, 610-644-2122	11/20/2009	No	No	No
Valent USA Corp. Robin Demouth, 925-256-2758 <a href="mailto:robin.demouth@valent.com">robin.demouth@valent.com</a>	11/20/2009	No	No	No

#### Technical comments:<sup>5</sup>

The Commission staff recommends that the article description of HTS heading 9902.02.06 be amended

<sup>5</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

by deleting “(pyroxystrobin)” and inserting “(Azoxystrobin)” in lieu thereof.

111TH CONGRESS  
1ST SESSION

# S. 1851

To modify and extend the suspension of duty on azoxytrobin.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2009

Mr. NELSON of Nebraska introduced the following bill; which was read twice  
and referred to the Committee on Finance

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## A BILL

To modify and extend the suspension of duty on azoxytrobin.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. AZOXYTROBIN.**

4       (a) IN GENERAL.—Heading 9902.02.06 of the Har-  
5       monized Tariff Schedule of the United States (relating to  
6       azoxytrobin) is amended—

7               (1) by striking “Free” and inserting “5.5%”;  
8       and

9               (2) by striking the date in the effective period  
10       column and inserting “12/31/2011”.

11       (b) EFFECTIVE DATE.—The amendments made by  
12       subsection (a) applies to goods entered, or withdrawn from

- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of the enactment of this Act.

